

BPA Policy 236-4

Freedom of Information Act (FOIA)

Information Compliance and Governance

Table of Contents

236-4.2 Policy Owner	2
236-4.3 Applicability	2
236-4.4 Terms & Definitions	2
236-4.5 Policy	2
236-4.6 Policy Exceptions	2
236-4.7 Responsibilities.....	2
236-4.8 Standards & Procedures.....	3
236-4.9 Performance & Monitoring	3
236-4.10 Authorities & References	4
236-4.11 Review	4
236-4.12 Revision History	4



236-4.1 Purpose & Background

To provide guidance on Bonneville Power Administration's (BPA) policy and BPA staff responsibilities for handling requests for agency records received under the Freedom of Information Act 5 (U.S.C § 552) (FOIA).

236-4.2 Policy Owner

The Vice President of Compliance, Audit & Risk, working through the FOIA Officer and in accordance with the FOIA Officer's designated authority from the Administrator, has overall responsibility for monitoring, reporting, evaluating, and proposing revisions to this policy.

236-4.3 Applicability

This Policy applies to BPA whenever a request for public records is made under FOIA law. This Policy does not apply to BPA in its normal course of business with employees, individuals, businesses or with other Federal, State or local agencies. Nor does this Policy provide access to records, or any portions thereof, that are exempt from disclosure under federal law.

236-4.4 Terms & Definitions

- A. Freedom of Information Act: The law that gives you the right to access information from the Federal Government.
- B. Freedom of Information Act Officer: The official designated by the BPA administrator to manage requests for agency records received under the FOIA. This designation cannot be further delegated.
- C. Records Custodian: Is the official designated by the FOIA Office as having custody of, or responsibility for locating, the requested agency records.

236-4.5 Policy

It is BPA policy to provide the public prompt access to its agency records. BPA will fully comply with not only the letter of the Freedom of Information Act, but its spirit. BPA staff will comply with our nation's fundamental commitment to open government.

236-4.6 Policy Exceptions

None.

236-4.7 Responsibilities

- A. The Freedom of Information Act Officer:
 - 1. Develops internal procedures and guidance to BPA staff on the handling of FOIA requests received by BPA.
 - 2. Appoints an appropriate Records Custodian to search for responsive agency records and provides the Records Custodian with internal processing guidelines and procedures for responding to FOIA requests.

Organization Freedom of Information Office		Title/Subject Freedom Of Information Act (FOIA)		Unique ID 236-4	
Author D. Jensen	Approved by Administrator – E. Mainzer	Date June, 9, 2013		Version #2	Page 2

3. Maintains the official files on FOIA requests received by BPA.
 4. Prepares and submits FOIA reports to DOE and maintains the electronic reading room.
 5. Signs FOIA responses. A written response (1) granting the request, (2) denying the request, (3) granting/denying it in part, (4) replying with a response that the request has been referred to another agency, or (5) informing the requester that responsive records cannot be located or do not exist.
- B. The Records Custodian. Using the guidelines and procedures provided by the FOIA Office, it is the Records Custodian's responsibility to:
1. Locate, collect, and determine the availability of any responsive agency records with consultation from the FOIA office. This responsibility includes a signed certification of search form that is provided by the FOIA Office with the assignment as the Records Custodian. If there are no responsive records the Records Custodian must indicate that on the certification of search form.
 2. Sending a copy of all responsive agency records to the FOIA office.
 3. When providing responsive records, it is the responsibility of the Records Custodian to identify any records that he or she feels should be withheld either in part or full under any FOIA exemption, or records that may be considered confidential by an outside person, business or organization, or that may contain personnel, medical or similar information that may constitute an invasion of personal privacy if released.
 4. Work with the appropriate Case Coordinator and FOIA attorney providing information and subject matter expertise as needed to determine the correct application of FOIA exemptions.
- C. FOIA Attorneys:
1. Provides advice and guidance to the FOIA Office and Records Custodians on legal issues regarding FOIA, and provides assistance in FOIA administrative appeals and litigation.

236-4.8 Standards & Procedures

FOIA requests can be submitted online at:

<http://www.bpa.gov/news/FOIA/Pages/RequestForm.aspx>

All requests must be in writing.

236-4.9 Performance & Monitoring

- A. Freedom of Information Act (5 U.S.C. § 552) governs the implementation and application of the act. The Office of Management & Budget has the responsibility of administering the act. The Department of Justice, Office of Information & Policy, provides direction and assistance with interrupting the act.

Organization Freedom of Information Office		Title/Subject Freedom Of Information Act (FOIA)		Unique ID 236-4	
Author D. Jensen	Approved by Administrator – E. Mainzer	Date June, 9, 2013		Version #2	Page 3

- B. BPA is subject to The Department of Energy's (DOE) policies and directives on processing FOIA requests (Title 10, Code of Federal Regulations, Part 1004). Annual reporting to DOE is submitted every fiscal year.
- C. BPA's Internal Audit section provides audits of the BPA FOIA process as requested by the Administrator.
- D. The BPA FOIA Officer ensures, through daily reporting, that each request is processed in accordance with the FOIA Act and DOE policy and directives.

236-4.10 Authorities & References

- A. Title 5 United States Code, Section 552, Freedom of Information Act of 1974, as amended.
- B. 10 CFR Part 1004.

236-4.11 Review

This BPA Policy is due for review in 2018.

236-4.12 Revision History

Version	Issue Date	Description of Change
2	1/22/2015	Formatted into new template

Organization Freedom of Information Office		Title/Subject Freedom Of Information Act (FOIA)		Unique ID 236-4	
Author D. Jensen	Approved by Administrator – E. Mainzer	Date June, 9, 2013		Version #2	Page 4